

SHARK

Addressing

From

Gregory Peck/DC/USEPA/US

To

DavidW Smith/R9/USEPA/US@EPA
DavidW Smith/R9/USEPA/US,

CC

Alexis Strauss/R9/USEPA/US@EPA
Benjamin Grumbles/DC/USEPA/US@EPA
Brian Frazer/DC/USEPA/US@EPA

BCC

Description

Form Used: Reply

Subject

Re: Feedback on Santa Cruz trip this week concerning navigability

Date/Time

07/23/2008 03:35 PM

Contributor

Gregory Peck

of Attachments

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Total Bytes

19,355

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Selected Category

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Ex. 5 -- Deliberative Process Privilege

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Body

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Thanks David. I'll talk with Schmauder (who is both bright and reasonable which seems a rare combination for an attorney - just kidding) and see what he will tell me. We'll work to get engaged in the HQ portion of this review and let you know as things proceed.

Hope your wife is feeling better.

Greg

Chief of Staff
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460


202-564-5778
DavidW Smith/R9/USEPA/US

DavidW Smith/R9/USEPA/US

07/23/2008 03:14 PM

To Gregory Peck/DC/USEPA/US@EPA

cc Alexis Strauss/R9/USEPA/US@EPA, Benjamin Grumbles/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Kevin Minoli/DC/USEPA/US@EPA, Suzanne Schwartz/DC/USEPA/US@EPA, David Evans/DC/USEPA/US@EPA, Brian Frazer/DC/USEPA/US@EPA, Donna Downing/DC/USEPA/US@EPA

Subject Feedback on Santa Cruz trip this week concerning navigability 

Hi Folks

Sorry for my delay in providing feedback; actually, upon my arrival in Tucson Sunday I learned my wife injured her back-- so I immediately returned home Monday morning to deal with her medical needs and missed the field trip. However, our attorney, Jessica Kao, participated in Monday's trip, and I've discussed the visit with her a Corps District staffer. The Corps HQ folks (Chip Smith, Craig Smauder, Dave Olson, and Myrna ____) characterized the visit as being for fact finding purposes and were not very forthcoming about the scope of the policy issues they are evaluating or the intended method of resolving these issues. The group (several HQ and LA District folks plus Jessica) visited both segments the Corps found navigable. There had been substantial rain over the past week in the area and there was substantial flow in both segments. The upper (Southerly) segment is more contained and deeper-- and thus more clearly navigable). The lower (Northerly) segment from Tucson to the county line had equal or greater flow but was somewhat broader and shallower. Both segments have pretty good access. The HQ Corps group seemed more impressed by potential navigability of the upper segment.

The group also seemed very concerned about the high level of concern expressed by Congressmen Grijalva and Giffords and by the Pima County Board of Supervisors about the Corps HQ review of the Santa Cruz decision. As you likely know, the two members wrote critical letters to the Corps about the decision to review the District decision. The Pima County supervisors unanimously adopted a resolution supporting a navigability finding for the entire Santa Cruz from Nogales to the Pima County line and initiating an internal investigation of staff efforts to limit CWA jurisdiction in the Santa Cruz basin.

The DC Corps delegation said they intend to complete a decision ASAP, without defining a specific timeframe or form of decision. It was also unclear whether and in what manner they would involve EPA or the LA District in the development of a decision.

I'd be happy to provide more details if you wish and hope to be in the office for at least part of Thursday and Friday.

David Smith

Chief

Wetlands Regulatory Office (WTR-8)

EPA Region 9

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-----Gregory Peck/DC/USEPA/US wrote: -----

To: Alexis Strauss/R9/USEPA/US@EPA

From: Gregory Peck/DC/USEPA/US

Date: 07/18/2008 06:09AM

cc: Benjamin Grumbles/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, DavidW

Smith/R9/USEPA/US@EPA, Kevin Minoli/DC/USEPA/US@EPA, Suzanne
Schwartz/DC/USEPA/US@EPA
Subject: Re: Grumbles_draft_Santa_Cruz_17Jul08

Great:

Sounds like you all are coordinating directly with the District on the site visit so I'll advise Army HQ of that. I anticipate that we'll be following -up with Army when they get back so we should arrange a conference call with you to talk about what your staff saw on the field trip and your recommendations.

I'm glad that we can be involved in this important issue. Thanks to Ben for talking directly with the assistant secretary.

Best,
Greg

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Washington, D.C. 20460

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Alexis Strauss/R9/USEPA/US

**Alexis
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To Gregory Peck/DC/USEPA/US@EPA

cc Benjamin Grumbles/DC/USEPA/US@EPA, Craig
Hooks/DC/USEPA/US@EPA, DavidW
Smith/R9/USEPA/US@EPA, Kevin Minoli/DC/USEPA/US@EPA,
Suzanne Schwartz/DC/USEPA/US@EPA

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Greg and colleagues,
we were just meeting with our RA and USACE Gen. John McMahon, who concurrently invited us to join Chip Smith and others at the Santa Cruz next week. Dave Smith will attend on our behalf. We'll be in touch as this unfolds, as the LA Corps is concurrently working on the Gila R TNW analysis. Thanks for keeping us in the loop,
Alexis

Gregory Peck/DC/USEPA/US

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To DavidW Smith/R9/USEPA/US@EPA

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ck/ cc Alexis Strauss/R9/USEPA/US@EPA, Benjamin
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David

Please see the message below from Army regarding the Santa Cruz River. No one from HQ will be able to participate - but before I send a reply - is this something that Region 9 might be interested in? Please advise as soon as possible.

Thanks
Greg

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----- Forwarded by Gregory Peck/DC/USEPA/US on 07/17/2008 03:57 PM -----

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p R To Gregory Peck/DC/USEPA/US@EPA
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> Subject: Grumbles_draft_Santa_Cruz_17Jul08 (DO NOT FORWARD)
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Greg:

Mr. Woodley has seen this draft letter. He asked me to let you know that our DC Santa Cruz review team is going will spend all day Monday, July 21, walking and driving the river, and looking at all available information. Los Angeles District staff will accompany/guide us. You and/or any EPA staff are welcome to join us. Mr. Woodley has asked that we stay on the very strict, short-fuse schedule he has established. We expect to work this hard upon our return from Tuscon and be in a position to brief him on the results of our review within a week or so. Agency staff can meet further once back in DC. Please let me know if any EPA staff will join us, or if you prefer to meet upon our return. Thanks.

Barbara has o <<Grumbles_draft_Santa_Cruz_17Jul08.pdf>> ur flight and hotel info to share if you need it.

Chip
